

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BAKERY AND CONFECTIONERY UNION :
AND INDUSTRY INTERNATIONAL
PENSION FUND, et al. :

v. : Civil Action No. DKC 16-0793

:
JUST BORN II, INC.
d/b/a Goldenberg Candy Company :

STIPULATED JUDGMENT

1. The court orders that Plaintiffs Bakery and Confectionery Union and Industry International Pension Fund and Trustees of the Bakery and Confectionery Union and Industry International Pension Fund recover from the Defendant Just Born II, Inc. d/b/a/ Goldenberg Candy Company the amount of two-hundred fifty-five thousand, two-hundred sixty-four and 16/100 dollars (\$255,264.16), which is comprised of one-hundred three thousand, three-hundred ninety-one and 98/100 dollars (\$103,391.98) in unpaid contributions due through March 17, 2017, one-thousand, five-hundred thirty-two and 98/100 dollars (\$1,532.98) in interest on those unpaid contributions, ten-thousand, three-hundred thirty-nine and 20/100 dollars (\$10,339.20) in statutory damages, and one-hundred forty thousand dollars (\$140,000) in attorney's fees.

2. This action was decided on a motion for judgment on the pleadings, which was granted in part and denied in part by Order of February 8 (ECF No. 29).

3. Following that Order, Defendant advised the court that it does not intend to amend its defenses. The parties moved for entry of this stipulated judgment, which expressly reserves Defendant's right to appeal the Order of February 8 and any other matter on the docket necessary to effectuate review of that Order; expressly reserves the Plaintiffs' right under Article V, § 5 of the Bakery and Confectionery Union and Industry International Pension Fund Agreement and Declaration of Trust to have an audit made by independent certified public accountants of the payroll and wage records of Defendant in connection with any contributions or reports; and provides that in the event that Defendant prevails on appeal and final judgment is entered in Defendant's favor, Plaintiffs shall return to Defendant all pension fund contributions made to Plaintiffs by Defendant in reliance on the Court's Order of February 8 as contributions made by mistake of fact or law pursuant to ERISA § 403(c)(2)(A), 29 U.S.C. § 1103(c)(2)(A), along with a credit against future contributions that is equal

to 3% interest on pension fund contributions made to Plaintiffs by Defendant in reliance on the Court's Order of February 8.

/s/
DEBORAH K. CHASANOW
United States District Judge